



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,235	02/12/2001	Eric Edwards	50P3833.01	9352

7590 10/08/2004

Sheryl Sue Holloway  
Blakely, Sokoloff, Taylor, & Zafman LLP  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025

EXAMINER

KASSA, YOSEF

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/782,235	EDWARDS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	YOSEF KASSA	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Drawings Objection***

1. In order to avoid abandonment, the drawing informalities noted in the paper mailed on Mar 12, 2004, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

***Response to Arguments***

2. Applicant's arguments, (page 6-8) filed on June 17, 2004, with respect to claims 1-13 under Noyama et al (U.S. Patent 5,594,850) and Olsen, IV (U.S. Patent 6,429,881) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made on claims 1-27 Chun et al (U.S. Patent 6,529,208), and further in view of Noyama et al (U.S. Patent 5,594,850).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chun et al (U.S. Patent 6,529,208), and further in view of Noyama et al (U.S. Patent 5,594,850),

With regard to claim 1, Chun et al discloses a translucent masking tool which defines a masked portion (see col. 5, lines 21-28) that prevents the effects source from applying the effect onto the masked portion of the image (see col. 5, lines 34-39), the translucent masking tool dynamically moving within the image in response to user input during the application of the effect (see col. 7, lines 31-39).

Chun et al did not explicitly call for an effects source for applying an effect onto an image. However, at the same field of endeavor Noyama et al discloses this feature (see col. 4, lines 25-30). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Noyama et al geometrical transformation process into Chun et al image masking process. The motivation for doing so is to provide a geometrical transform image.

With regard to claim 2, Chun et al discloses the translucent masking tool has a customizable shape (see col. 6, lines 44-51)).

With regard to claim 3, Chun et al discloses the translucent masking tool is movable relative to the image (see col. 7, lines 31-39).

With regard to claim 4, Chun et al discloses the translucent masking tool simulates a fixed edge (see col. 5, lines 53-60).

With regard to claim 5, Chun et al discloses the masked portion of the image is denoted by cross-hatching while the masked portion of the image is still viewable by the user (see Fig. 8, item 804 and 806).

Claim 6 is similarly analyzed as claim 5.

Claim 7 is similarly analyzed as claim 1. The additional limitation of positioning a masking tool over a masked portion of an image and dynamically moving the masking tool (see col. 7, lines 31-39).

Claims 9-13 are similarly analyzed as claims 1-6.

Claims 14-20 are similarly analyzed as claims 1-6.

Claims 21-26 are similarly analyzed as claims 1-6. As to the additional limitation of a processor coupled to a memory through bus (see Fig. 6, items 602 and 604).

Claim 27 is similarly analyzed as claim 1.

#### ***Other Prior Art Cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (5,617,114) to Bier et al discloses user interface having...

US Patent No. (5,651,107) to Frank et al discloses method and apparatus for presenting information...

US Patent No. (5,283,560) to Bartlett discloses computer system and method for displaying images...

US Patent No. (6,118,427) to Lentz et al discloses graphical user interface with optimal...

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communication and (703) 872-9306 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

**PATENT EXAMINER**

Yosef Kassa

10/01/04.

A handwritten signature in black ink, appearing to read 'Yosef Kassa', is written over the printed name and date.